

REMARKS

Consideration of the amendments is respectfully requested. The amendments find support in the application as originally filed and adds no new matter pursuant to 37 C.F.R. 1.121(f). The amendments are made pursuant to 37 C.F.R. 1.121.

STATUS OF CLAIMS

Claims 1-6, 11-13, 20-21, 30-31, 38-42, 52, 56-57, 67, 70-72, 75, 80-81, 87, 89-91, 98-99, 101 and 107-111 are pending in the application.

Claims 30, 52, 56, 70 and 75 have been amended.

CLAIM REJECTIONS

I. REJECTION UNDER 35 U.S.C. 112

In paragraphs 1-2 of the OA, the Examiner rejects Claims 52 and 75 as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 52 and 75 have been amended to distinctly claim the subject matter which applicant regards as the invention.

In claim 52 reference to a female fitting "below" the wrench-end has been omitted.

In regards to Claim 75, both the dependency and the claim language have been amended and now reads as follows:

...wherein said safety holding means comprises means for attaching handles for use with socket sets to items in socket sets; and said coupling means comprises a receiving means for receiving said attaching means.

In the specification, the safety handle is described as a tool used with standard socket sets and also describes the female fitting that mates with such tool.

In view of the foregoing remarks and amendments, the rejection of Claims 52 and 75 under 35 U.S.C. 112, second paragraph should be withdrawn.

II. REJECTION UNDER 35 U.S.C. 102(b)

In paragraphs 4-5 of the OA, the Examiner rejects Claims 1-4, 12, 20, 21, 30, 38, 39, 41, 42, 56, 57, 67, 70-72, 80, 81, 87, 89-91, 98, 99 and 107-109 under 35 USC 102 (b) as being anticipated by Doorley. Applicant has amended Claims 56 and 70 to better clarify Applicant's invention; and, for the reasons set forth below, Applicant views the other rejections as not well taken and respectfully traverses the Examiner's rejections of all other remaining claims.

Applicant's Invention

Applicant's invention is directed to an improved hammer wrench that includes a central bar member having opposite ends wherein one end terminates into an anvil (hammer-end) and the other opposite end terminates into a nut socket (wrench-end). Between the anvil and the nut socket, Applicant's invention also includes a female fitting for attaching a safety handle to the hammer wrench at a location away from the anvil (hammer-end). Thus, when striking the anvil (hammer-end), the user's hand holding the safety handle is away from the anvil or strike zone.

Applicant's invention is also directed to a hammer wrench assembly that includes the

improved hammer wrench modified with a female fitting or female coupler and a safety handle adapted to be coupled to the female fitting or coupler.

A. Doorley

Doorley's invention is directed to a striking tool which can be used with a common socket wrench set. The striking tool of Doorley includes a shank at one end of a shaft for attachment to a socket. The many-sided shaft 1a (col. 4, line 15-17) of the striking tool allows a multiplicity of wrench types to act as torquing arms. More specifically, in a first embodiment, the striking tool includes a square shank 5 (for mating with a socket, col. 2, line 17) at one end of shaft 1a and an anvil-like end portion 7 at one end of arm member 2 coupled near the other opposite end of shaft 1a. Such other opposite end of shaft 1a includes a square bore 4 for mating with the drive tang of a ratchet wrench (col. 2, line 15-16).

Doorley describes several other embodiments all of which include a primary shaft having one end terminating into a shank for attachment to a socket and the other end terminating into square bore 4, 11 (FIGS. 1-7), a square upper portion 24 for accepting open-ended wrenches (FIGS 8-11), or boss 39 located on the rotational axis of arm 29, containing a striking surface 40.

Contrary to Doorley's invention (which serves to attach a striking tool to a socket wrench set and drive tang), Applicant's invention is a hammer wrench modified to attach a safety handle thereto so that the user's hand can be removed from the strike zone.

In view of the foregoing, the independent claims will be addressed individually below.

CLAIM 1

Regarding Claim 1, Claim 1 states

1. (ORIGINAL) *A hammer wrench assembly comprising:
a hammer wrench having a hammer-end, a wrench-end and a central bar member separating the hammer-end and the wrench-end; and,
a rotatable handle pivotally coupled to the hammer wrench between the hammer-end and the wrench-end for holding the hammer wrench about a nut as the hammer-end is impacted with a hammer.* (Emphasis added)

First, Doorley does not teach the above emphasized claim language especially since Doorley is directed to a striking tool for use with a socket set. In fact, Doorley, after specifically addressing problems with “slugging wrenches” in the section title “BACKGROUND OF THE INVENTION,” designs a striking tool for a common socket set. Thus, Doorley teaches away from a hammer wrench (which is also known as a slugging wrench), as claimed by Applicant.

Second, Applicant observes that Doorley (in the embodiments of FIGS. 1-7) describes a striking tool having a shaft (1a or 10a) with an arm member (2 or 13) attached to the shaft (1a or 10a) wherein the arm member (2 or 13) includes the anvil-like end portion (7 or 14). However, the Examiner rejection implies that both 1 and 2 are relied upon as the central bar member. Furthermore, the fitting in the striking tool is for attachment of a ratchet wrench or other torquing device to rotate the socket. Thus, Doorley neither addresses nor contemplates a safety handle.

Third, Doorley does not describe coupling a rotatable handle pivotally “between” the hammer-end (anvil-like end portion 7, 14 or 30) and the wrench-end (shank 5, 12 or 42), in any of the embodiments. Instead, a square bore 4 or 11 (FIGS. 1-7) is used for mating with the drive

tang of a ratchet wrench and is positioned at the end of the multisided shaft opposite the shank. In another embodiment (FIGS 8-11), a square upper portion 24 is provided at the other end of the multisided shaft for accepting open-ended wrenches. In the embodiment of FIGS. 12 and 13, a coupling for a drive tang is not described. Hence, neither the square bore nor the square upper portion is “*between*” the hammer-end and the wrench-end, as claimed.

In view of the foregoing remarks, Claim 1 is not taught or suggested by Doorley. Thus, the rejection of Claim 1 under 35 USC 102(b) by Doorley should be withdrawn. Furthermore, the rejections under 102(b) and/or 103(a) of dependent claims 2-4, 5-6 and 11-13 depending directly or indirectly on Claim 1 should also be withdrawn for at least the same reasons as described in relation to Claim 1.

Moreover, with regard to Claim 12, Doorley neither illustrates nor specifically describes details of a rotatable handle claimed by Applicant. For example, Doorley does not teach a rotatable handle having “*a forked-end having two parallel plates for pivotally coupling therebetween the male fitting.*”

CLAIM 20

Regarding Claim 20, Claim 20 states

20. (ORIGINAL) *A hammer wrench assembly for fastening or unfastening a nut comprising:*
 a hammer wrench having a hammer-end, a wrench-end and a central bar member separating the hammer-end and the wrench-end;
 a female fitting formed in the central bar member in close proximity to the wrench-end; and,
 a safety handle pivotally coupled to the female fitting via a male fitting,
wherein pivoting the handle moves a user's hand from the proximity of the hammer end. (Emphasis added)

In addition to the comments set forth above in relation to Claim 1, Doorley does not describe a female fitting and a safety handle coupled to the female fitting in the central bar member “*in close proximity to the wrench-end.*” Instead, the female fitting in shafts 1a or 10a is at the opposite end (upper end) of shaft 1a or 10a from the end (lower end) having the shank (col. 2, lines 14-17 and lines 33-36), such (fitting) end is always at an end where the anvil-like end portion 7 or 14 is coupled.

Furthermore, while Doorley recognizes the need to unstick a frozen nut or bolt, the solution of adding a striking tool to a socket set is completely different from Applicant’s solution. Thus, the description by Doorley neither address nor contemplates the positioning of a fitting for a safety handle “*in close proximity to the wrench-end.*”

In view of the foregoing remarks, Claim 20 is not taught or suggested by Doorley. Thus, the rejection of Claim 20 under 35 USC 102(b) by Doorley should be withdrawn. Furthermore,

the rejections under 102(b) and/or 103(a) of dependent claims 21, 30 and 31 depending directly or indirectly on Claim 20 should also be withdrawn for at least the same reasons as described in relation to Claim 20.

Moreover, with regard to Claim 30, Doorley neither illustrates nor specifically describes details of a handle claimed by Applicant. For example, Doorley does not teach a handle having “a forked-end having two parallel plates for pivotally coupling therebetween the male fitting.”

CLAIM 38

Regarding Claim 38, Claim 38 states

38. (ORIGINAL) *A method for fastening or unfastening a nut, using a hammer wrench assembly having a hammer wrench with a hammer-end and a wrench end and a pivotal safety handle pivotally coupleable to the hammer wrench in close proximity to the wrench-end, comprising the steps of:*
 coupling a wrench-end of the hammer wrench about the nut;
 pivoting the safety handle to a location displaced away from the hammer-
end;
 holding the wrench-end about the nut via the safety handle;
 simultaneously with the holding step, swinging a hammer to impact the
hammer-end; and,
 rotating the nut with the wrench-end in a direction to fasten or unfasten
the nut, in response to the impact to the hammer-end. (Emphasis added)

In addition to the comments set forth in relation to Claim 1, Doorley does not describe a “method for fastening or unfastening a nut, using a hammer wrench assembly having a hammer wrench.” As previously stated, Doorley’s invention is directed to a striking tool for a socket set

and not to slugging/hammer wrenches. Furthermore, Doorley does not teach the step of “*pivoting a safety handle to a location displaced from the hammer-end,*” as claimed.

More importantly, Doorley does not address or contemplate a safety handle or a safety handle that can be pivoted to a location away from the hammer-end.

In view of the foregoing remarks, Claim 38 is not taught or suggested by Doorley. Thus, the rejection of Claim 38 under 35 USC 102(b) by Doorley should be withdrawn. Furthermore, the rejections under 102(b) and/or 103(a) of dependent claims 39-41 depending directly or indirectly on Claim 38 should also be withdrawn for at least the same reasons as described in relation to Claim 38.

Moreover, with regard to Claim 39, Doorley neither illustrates nor specifically describes details related to pivoting a safety handle within 180° range.

CLAIM 42

Regarding Claim 42, Claim 42 states

42. (ORIGINAL) *An improved hammer wrench comprising:
a hammer-end having a plurality of impact surfaces;
a wrench-end adapted to attach to a bolt head or nut; and,
a central bar member with one end integrally formed with the hammer-
end, with another end attached to the wrench-end and with a female coupler
between the wrench-end and the hammer-end wherein the female coupler is in
close proximity to the wrench-end. (Emphasis added)*

In addition to the comments set forth above in relation to Claims 1, Doorley does not describe a female coupler “*between*” the wrench-end and the hammer-end, in any of the embodiments.

Furthermore, Doorley does not describe a female coupler in close proximity to the wrench-end.
(See comments set forth above in relation to Claim 20.)

In view of the foregoing remarks, Claim 42 is not taught or suggested by Doorley. Thus, the rejection of Claim 42 under 35 USC 102(b) by Doorley should be withdrawn.

CLAIM 56

Regarding Claim 56, amended Claim 56 states

56. (CURRENTLY AMENDED) *An improved hammer wrench comprising:
a hammer wrench with a hammer-end, a wrench-end and a central bar member, said central bar member having a first end, a second end opposite said first end, and a longitudinal axis wherein said hammer-end is integral with said first end and said wrench-end is coupled directly to said second end and has a center axis that is perpendicular to said longitudinal axis; and,
a coupling means formed in said central bar member between said hammer-end and said wrench-end for removably coupling a handle to said hammer wrench wherein said coupling means has a center axis perpendicular to said longitudinal axis. (Emphasis added)*

In addition to the comments set forth above in relation to Claims 1, Doorley does not describe a coupling means that 1) is “*between*” the hammer-end and the wrench-end; and, 2) has a “*center axis*” perpendicular to the “*longitudinal axis*” of the central bar member. Furthermore, Doorley does not teach a wrench-end that has a center axis that is perpendicular to such longitudinal axis.

Applicant observes that Examiner’s rejection implies that both those elements having reference numerals 1 and 2 are relied upon as the central bar member. However, no one of,

single one of, or combination of the central bars (shaft 1a, 10a or arm 2, 13) of Doorley serves to meet all the claim limitations now set forth in Claim 56. For example, the coupling means is 1) formed in the central bar member; 2) between the hammer-end and the wrench-end; and 3) has a center axis perpendicular to the longitudinal axis of such central bar member. These remarks apply to all embodiments of Doorley.

In view of the foregoing remarks and amendments, Claim 56 is not taught or suggested by Doorley. Thus, the rejection of Claim 56 under 35 USC 102(b) by Doorley should be withdrawn. Furthermore, the rejections under 102(b) of dependent claims 57 and 67 depending directly or indirectly on Claim 56 should also be withdrawn for at least the same reasons as described in relation to Claim 56.

CLAIM 70

Regarding Claim 70, amended Claim 70 states

70. (CURRENTLY AMENDED) *A hammer wrench assembly comprising:
a hammer wrench with a hammer-end, a wrench-end and a central bar member, said central bar member having a first end, a second end opposite said first end, and a longitudinal axis wherein said hammer-end is integral with said first end and said wrench-end is coupled directly to said second end and has a center axis that is perpendicular to said longitudinal axis;
a safety holding means for holding said hammer wrench at a safe distance; and,
coupling means for removably coupling said safety holding means to said hammer wrench in close proximity to said wrench-end and between said hammer-end and said wrench-end wherein said coupling means has a center axis perpendicular to said longitudinal axis. (Emphasis added)*

In addition to the comments set forth above in relation to Claims 1, Doorley does not describe a coupling means that 1) is “*between*” the hammer-end and the wrench-end; and, 2) has a “*center axis*” perpendicular to the “*longitudinal axis*” of the central bar member. Furthermore, Doorley does not teach a wrench-end that has a center axis that is perpendicular to such longitudinal axis. (See comments set forth above in relation to Claim 56.)

In view of the foregoing remarks and amendments, Claim 70 is not taught or suggested by Doorley. Thus, the rejection of Claim 70 under 35 USC 102(b) by Doorley should be withdrawn. Furthermore, the rejections under 102(b) of dependent claims 71-72 depending directly or indirectly on Claim 70 should also be withdrawn for at least the same reasons as described in relation to Claim 70.

Furthermore, in regard to Claim 72, Doorley does not teach that the “*receiving means has a mounting face which faces in a same direction as a wrench-end face of the wrench-end.*” The invention by Doorley does not address or contemplate the direction of the receiving means in relation to the wrench-end face.

CLAIM 80

Regarding Claim 80, Claim 80 states

80. (ORIGINAL) *An improved hammer wrench comprising:*
 an anvil;
 a nut socket; and,
 a central bar member with said anvil on one end, with said nut socket on
another and opposite end and with a fitting for a safety handle between said anvil
and said nut socket. (Emphasis added)

In addition to the comments set forth above in relation to Claims 1, Doorley does not teach a fitting in the central bar member for a safety handle “*between*” the anvil and the nut socket, in any of the embodiments.

Independent Claims 89, 98 and 107 contain similar language as Claim 80. Thus, the remarks set forth in relation to Claim 80 equally apply to Claims 89, 98 and 107.

In view of the foregoing remarks, Claims 80, 89, 98 and 107 are not taught or suggested by Doorley. Thus, the rejection of Claims 80, 89, 98 and 107 under 35 USC 102(b) by Doorley should be withdrawn. Furthermore, the rejections under 102(b) and/or 103(a) of dependent claims 81, 87, 90, 91, 99, 101, 108, 109, 110 and 111 depending directly or indirectly on Claims 80, 89, 98 or 107 should also be withdrawn for at least the same reasons as described in relation to Claim 80, 89, 98 or 107.

Furthermore, in regard to Claim 87, Doorley does not address or contemplate locating a fitting where “*said fitting is closer to said nut socket than to said anvil.*” (See comments set forth in relation to Claim 20.)

Furthermore, in regard to Claim 109, Doorley does not teach that the “first bore hole is perpendicular to a longitudinal center axis of the central bar member.” (See comments set forth in relation to Claims 56 or 70.)

B. Witbeck or Andersson

In paragraph 6 of the OA, the Examiner rejects Claims 56, 67 and 70-72 under 35 USC 102 (b) as being anticipated by Witbeck or Andersson. Applicant has amended Claims 56 and 70 to better clarify Applicant's invention.

B.1 Witbeck

Witbeck is directed to a rotary impact lug tool or impact wrench 10 that includes diametrically opposing weights 18 and a center mounted shaft means 12 for engaging a nut. The shaft means includes a central shaft 13, female socket end 14, and a male socket end 13 mounted on the end of the central shaft opposite that of the female socket end (col. 4, lines 3-7).

Independent Claims 56 and 70 have been amended to clarify the location of the hammer-end, the wrench-end and the fitting for the attachment of the safety handle.

With respect to Claim 56, amended Claim 56 now states

a hammer wrench with a hammer-end, a wrench-end and a central bar member, said central bar member having a first end, a second end opposite said first end, and a longitudinal axis wherein said hammer-end is integral with said first end and said wrench-end is coupled directly to said second end and has a center axis that is perpendicular to said longitudinal axis; and,
a coupling means formed in said central bar member between said hammer-end and said wrench-end for removably coupling a handle to said hammer wrench wherein said coupling means has a center axis perpendicular to said longitudinal axis. (Emphasis added)

Witbeck does not teach the above emphasized claim language. In Witbeck, the shaft means 14 has a female socket end and the male socket end for attachment of a handle. This shaft

is coupled perpendicular to an elongated rotary member with weights 18 on opposite ends thereof. Contrary to Witbeck, Applicant's invention includes a central bar member with two ends, one for the hammer-end and the other for the wrench-end.

Claims 56 and 70 as amended contain similar language. Thus, the remarks applied to Claim 56 equally apply to Claim 70.

In view of the foregoing remarks, Claims 56 and 70 are not taught or suggested by Witbeck. Thus, the rejection of Claims 56 and 70 under 35 USC 102(b) by Witbeck should be withdrawn. Furthermore, the rejections under 102(b) of dependent claims 67 and 71-72 depending directly or indirectly on Claims 56 and 70 should also be withdrawn for at least the same reasons as described in relation to Claims 56 and 70.

B.2 Andersson

Andersson is directed to an impact wrench for wheel nuts and bolts. The configuration by Andersson is similar to that of Witbeck and includes a shaft 2 with a handle 3 on one end and a connecting member 5 on the other. Additionally, the shaft 2 is coupled to impact arm 8 rotatably supported by the shaft and includes weights 9 on opposite ends of the arm.

Accordingly, Andersson, like Witbeck, does not teach a central bar member with two ends, one for the hammer-end and the other for the wrench-end in combination with the other claim limitations.

Claims 56 and 70 as amended contain similar language. Thus, the remarks applied to

Claim 56 equally apply to Claim 70.

In view of the foregoing remarks, Claims 56 and 70 are not taught or suggested by Andersson. Thus, the rejection of Claims 56 and 70 under 35 USC 102(b) by Andersson should be withdrawn. Furthermore, the rejections under 102(b) of dependent claims 67 and 71-72 depending directly or indirectly on Claims 56 and 70 should also be withdrawn for at least the same reasons as described in relation to Claims 56 and 70.

III. REJECTION UNDER 35 U.S.C. 103(a)

Doorley

In paragraphs 7-8 of the OA, the Examiner rejects Claim 40 under 35 USC 103 (a) as being unpatentable over Doorley.

Claim 40 depends from Claim 38. Thus, for at least the reasons set forth above in regard to Claim 38, Doorley does not teach all the claim limitations of Claim 40.

Furthermore, Doorley does not address or contemplate a safety handle or a safety handle that can be pivoted to a location away from the hammer-end. Hence, there is no motivation to modify Doorley with the steps in Claim 40 using two users except Applicant's own disclosure. The practice to reject Applicant's invention using his own disclosure is not permitted by Case Law.

In view of the foregoing, the combination of Doorley does not teach the limitations of Claim 40 and the rejection under 35 USC 103(a) should be withdrawn.

Doorley and Kertzsch

In paragraph 9 of the OA, the Examiner rejects Claims 5, 6, 11, 13, 31, 101, 110 and 111 under 35 USC 103 (a) as being unpatentable over Doorley in view of Kertzsch.

With regard to the rejection under 35 USC 103(a) of Claims 5, 6, 11, 13, 31, 101, 110 and 111, by Doorley in view of Kertzsch, such rejection does not address the deficiencies set forth above in relation to Claims 1, 12, 20, 30, 98, and 107 from which Claims 5, 6, 13, 31, 101, 110 and 111 depend. Thus for at least these previously cited reasons, the combination of Doorley as modified by Kertzsch does not teach the claim limitations of Claims 5, 6, 13, 31, 101, 110 and 111 and the rejection under 103(a) should be withdrawn.

CONCLUSION

Based on the above amendment and remarks, it is submitted that all of the remaining claims in the case are allowable and an early notice of the same is respectfully solicited. If the Examiner feels a telephone conference will in any way expedite the disposition of this matter, he is respectfully invited to contact this attorney at (504) 585-3803. **To the extent additional fees are required to file or process this application, please charge our Deposit Account No. 03-0937.**

Respectfully submitted,



RAYMOND G. AREAUX, ESQ. (No. 33,643)

Carver, Darden, Koretzky, Tessier,

Finn, Blossman & Areaux, L.L.C.

1100 Poydras Street, Suite 2700

New Orleans, Louisiana 70163

Direct Line No. (504) 585-3803

Facsimile (504) 585-3801

E-mail address: areaux@carverdarden.com